

BRESSLERAMERYROSS

A PROFESSIONAL CORPORATION

17 State Street ▪ New York, NY 10004

212.425.9300 ▪ fax 212.425.9337

www.bressler.com

Michael T. Hensley
Principal

Direct: 212-235-6436
mhensley@bressler.com

March 22, 2018

VIA ECF

Judge Claire R. Kelly
U.S. Court of International Trade
One Federal Plaza
New York, New York 10278-0001

**Re: Lewis v. American Sugar Refining, Inc., et al
Civil Action No. 14-cv-02302**

Dear Judge Kelly:

This office represents Defendants American Sugar Refining, Inc. (“ASR”) and Mehandra Ramphal. Please allow this letter to respond to the letter of Megan Goddard, Esq. of the same date (Dkt. # 138) regarding Defendants’ authentication objections to PX-1, PX-2, PX-3, PX-4, PX-5, PX-7, PX-21 and PX-22. All of these exhibits have a fax header at the top, pages are missing and none were documented as received by Defendants.

Plaintiff’s letter attempts to cure the authentication objections through Mr. Lewis’ trial testimony alone. However, that is precisely the issue as Mr. Lewis deposition testimony made clear that he cannot authenticate these exhibits. This office generally refers the court to Mr. Lewis’ deposition, page 163 line 19 to page 169 line 19. This testimony covers deposition exhibit “Lewis-7” which comprised of Plaintiff’s document production Bates stamped “P0001-0037.” This testimony covers trial exhibits PX-1, PX-2, PX-3 and PX-4. At deposition Mr. Lewis testified that he: did not know the handwriting on P-1 (PX-1) (*see* P 164 L 5-7); does not know how P-2 (the second page of PX-1) was allegedly delivered to ASR (*see* P 165 L 23 – P 166 L 2); does not know anything about the fax header on these documents, nor whether he sent or received the fax or to whom (*see* P 168 L 4 – P 169 L 19); and does not know why the fax is missing pages (*see id.*) (“Q. So as you sit here today, you can’t tell me anything more about why this document , as produced to me, has a fax header on it and not all of the pages have been produced? A. I don’t know any – I don’t know.”) (*see id.*).

Similar fax header issues are found in PX-5, PX-7, PX-21 and PX-22. Moreover, Mr. Lewis has no personal knowledge or proof as to whether Defendants actually received these

documents. Since Mr. Lewis cannot authenticate these exhibits as evidenced by his deposition testimony, and since Plaintiff is offering no other grounds of authentication other than Mr. Lewis' testimony, Defendants submit that their authentication objection should be sustained and these exhibits struck from the record.

Respectfully submitted,

/s/ Michael T. Hensley

Michael T. Hensley

MTH/bjt

cc: Nathaniel K. Charny, Esq. (via ECF only)
Megan S. Goddard (via ECF only)
Gabrielle Vinci (via ECF only)